IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 13757 of 2005

Between:

Donga Krishna Murthy, S/o.Bulli Kannayya,
R/o.Uttarapalem, Veeravasaram Mandal, W.G.District.

..... PETITIONER

AND

1 The Govt of A.P., Rep by its Prl.Secretary, Revenue (Endowments Dept), Secretariat, Hyderabad.
2 The Commissioner of Endowments, Govt of A.P., Endowments Department, Boggullakunta, Hyderabad.
3 The Rudresvara Swamy Vari Devasthanam, Rep by its Executive Officer, Tholeru Group of Temples,Tholeru Village, Veeravasaram Mandal,W.G.District.
4 The Asst Commissioner of Endowments, Eluru, W.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders, direction or directions, writ or writs, particularly one in the nature of writ of mandamus declaring the action of the 3rd respondent in issuing notice No.1/2005, dt.10-5-2005 in Form I Under Rule 5(1) of the Rules as Unconstitutional, ultra vires of the Sec.83 of the Act 30 of 1987 and set aside the same and declare the proposed action of the respondents in evicting the petitioner from the lands to the extent of Ac.2.00 Cents situated in R.S.No.256 of Tholeru village, veeravasaram Mandal, W.G.District, as illegal, arbitrary and violative of Fundamental Rights guaranteed under the Constitution of India, consequently direct the respondents not to evict the petitioner from the above said lands and to pass such other order or orders.

Counsel for the Petitioner: MR.K.L.N.SWAMY

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court, at the stage of admission, made the following :

ORAL ORDER

The petitioner claims to be a cultivating tenant of the lands belonging to the 3rd respondent- Rudresvara Swamy Vari Devasthanam,Tholeru village, in an extent of Ac.2.00 in R.S.No.256 of Tholeru village, Veeravasaram Mandal, West Godavari District. He made an application to the Assistant Commissioner, Endowments, West Godavari District on 16-05-2005 claiming the status and the consequent benefits of a landless poor person, under Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act,1987 (for short "the Act"). Even before determination of the petitioner's status on his application above, the 3rd respondent issued a Form No.1 notice dated 10-05-2005 calling upon the petitioner to handover possession of the lease lands failing which action would be taken for the eviction. The petitioner reiterates in the writ petition, his claim to be being a landless poor person and, therefore entitlement to the benefits under Section 82(2) of the Act.

Heard the learned Government Pleader for Endowments and the learned Standing Counsel for the 3rd respondent.

In the aforesaid factual scenario, the writ petition is disposed of directing the 4th respondent-Assistant Commissioner, Endowments, Eluru, West Godavari to consider and dispose of the petitioner's representation dated 16-05-2005 (if received by the Assistant Commissioner) expeditiously and in any event within a period of two (2) weeks from the date of receipt of a copy of this Order, if not already disposed and communicate to the petitioner. The petitioner shall not be evicted till the determination of his claim to being a landless poor person and his entitlement to continue in the lands thereafter would depend upon the decision on the petitioner's representation. No order as to costs.

GODA RAGHURAM,J

4TH JULY 2005

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Note:

Issue CC

in two(2)

days.

(B/O)

*TSNR

To

1 The Prl.Secretary, Govt of A.P., Revenue (Endowments Dept), Secretariat, Hyderabad.
2 The Commissioner of Endowments, Govt of A.P., Endowments Department, Boggullakunta, Hyderabad.
3 The Executive Officer, Rudresvara Swamy Vari Devasthanam, Tholeru Group of Temples,Tholeru Village, Veeravasaram Mandal,W.G.District.
4 The Asst Commissioner of Endowments, Eluru, W.G.District.

5. Two CCS to G.P for Endowments, High Court Buildings, Hyderabad(OUT)

6. Two C.D.copies.